

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL LEE HENRY,

Petitioner,

v.

CASE NO. 06-CV-15706
HONORABLE AVERN COHN

BLAINE LAFLER,

Respondent,

ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL

Before the Court is Petitioner's motion for the appointment of counsel. In support of his request, Petitioner alleges that he is unable to afford counsel, that he has limited legal knowledge and resources, that his case involves complicated factual and legal issues, and that counsel would assist the Court in resolving his petition.

Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). Petitioner has filed his habeas petition and Respondent has not yet filed an answer nor submitted the state court record. Neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C.

fol. § 2254, Rules 6(a) and 8(c).

Accordingly, the Court **DENIES WITHOUT PREJUDICE** Petitioner's motion for appointment of counsel. The Court will reconsider Petitioner's request if, following receipt of the state court record, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: January 3, 2007

I hereby certify that a copy of the foregoing document was mailed to the parties of record and Daniel Henry, #463753, St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, MI 48880 on this date, January 3, 2007, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160